

# **Mao Declaration**

## **Exhibit 87**

### **Brown Deposition Transcript**

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

CHASOM BROWN, WILLIAM BYATT,  
JEREMY DAVIS, CHRISTOPHER  
CASTILLO, and MONIQUE  
TRUJILLO, individually and on  
behalf of all other similarly  
situated,

Plaintiffs,

vs.

No.

5:20-cv-03664-LHK-SVK

GOOGLE LLC,

Defendant.

\_\_\_\_\_/

VIDEOTAPED DEPOSITION OF CHASOM BROWN  
Remote Zoom Proceedings  
Los Angeles, California  
Thursday, January 13, 2022

REPORTED BY:

LESLIE ROCKWOOD ROSAS, RPR, CSR 3462

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Job No. 5028094

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GOOGLE LLC,

Defendant.

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Videotaped deposition of CHASOM BROWN, taken on  
behalf of the Defendant, Remote Zoom Proceedings from  
Los Angeles, California, beginning at 9:52 a.m. Pacific  
Standard Time and ending at 5:20 p.m. Pacific Standard  
Time, on Thursday, January 13, 2022, before  
Leslie Rockwood Rosas, RPR, Certified Shorthand Reporter  
No. 3462.

1           A.   At Golden West and Long Beach, Cal State Long  
2 Beach.

3           Q.   Were you studying for a specific degree?

4           A.   Business administration.

5           Q.   How did you get involved in this case? 10:06:25

6           MR. LEE: Again, Mr. Brown, you can answer that  
7 question, but to the extent that -- only to the extent  
8 that it doesn't reveal any communications you've had with  
9 your counsel. Okay?

10          THE WITNESS: (Nods head.) 10:06:42

11          I -- I'd noticed some odd things that -- that I  
12 had questions about going on with my account and ads and  
13 things like that. And so then I inquired about, you  
14 know, talking to an expert in the field, and then that's  
15 how I got in touch with my lawyer. 10:07:04

16          Q.   BY MS. JENKINS: Okay. Can you describe the odd  
17 things that you just mentioned? What were those?

18          A.   It -- it just essentially had to do with the ads  
19 that were being served to me, and I got curious like how  
20 and where they were coming from. 10:07:30

21          Q.   Were these ads being served to you while you  
22 were browsing in Chrome Incognito mode?

23          A.   I don't really remember specifically if it was  
24 that or not. It was more just -- yeah, I don't really  
25 remember if it was specifically in the Incognito mode, 10:07:57

1 but there were -- it would be both, I guess.

2 MR. LEE: By the way, Mr. Brown, I just want you  
3 to know that -- I'm sure Ms. Jenkins agrees -- nobody  
4 wants you to guess. So if you recall something, then you  
5 can recall it, and if you don't recall something, that's 10:08:16  
6 perfectly fine. But we certainly don't want you to  
7 guess.

8 THE WITNESS: Okay. So I'm not 100 percent  
9 clear if it was in Incognito mode or not.

10 Q. BY MS. JENKINS: When -- when you said your -- 10:08:31  
11 when you were answering the questions earlier, you said  
12 both. By that did you mean it may have been in Incognito  
13 mode or it may have been in regular mode on Chrome; is  
14 that correct?

15 A. Yes. 10:08:45

16 Q. So I believe that you said, then, that you --  
17 you were looking for an expert about -- after noticing  
18 some odd things regarding advertising -- advertisements  
19 that you were seeing; is that correct?

20 A. Yeah. 10:09:05

21 Q. Okay. And so who did you reach out to when you  
22 were looking for an expert about that?

23 A. It -- one of my business partners had known one  
24 of the experts in the lawyers, and so we were discussing  
25 it, and I guess he got us in contact. 10:09:25

1 Q. And who was your business partner?

2 A. Jeff.

3 Q. Do you know his last name?

4 A. Mao.

5 Q. And is he related -- is he related to anyone on 10:09:42  
6 your legal team?

7 A. I believe so, yes.

8 Q. Is he related to Mark Mao?

9 A. I believe so.

10 Q. Do you know what the relation is? 10:09:53

11 A. I believe they're cousins.

12 Q. Is -- how did you first hear about the case; was  
13 it from Jeff Mao?

14 A. No.

15 Q. Okay. So how did you first hear about the case? 10:10:11

16 MR. LEE: Objection to form, vague.

17 THE WITNESS: Well, I guess this would lean into  
18 territory of through the conversations with my lawyers.

19 So I don't -- can I speak about that?

20 MR. LEE: No. 10:10:31

21 THE WITNESS: It seems like I cannot.

22 MR. LEE: You're right, Mr. Brown. And I should  
23 have caught that objection. I'm sorry. But you were  
24 right to raise that.

25 Q. BY MS. JENKINS: When you were speaking to Jeff 10:10:40

1 Q. Did you appear in court for that small claims  
2 case?

3 A. Yeah. Yes, I did.

4 Q. And where was that court located?

5 A. In Westminster, California. 10:16:04

6 Q. Do you know approximately what year that was?

7 A. Around the -- around 2007, give or take a  
8 couple -- a couple of years. I'm sorry if I'm off on  
9 that.

10 Q. That's okay. 10:16:28

11 Would you say that maintaining the privacy of  
12 your information while you're browsing the internet is  
13 important to you?

14 A. Yeah, I would say it is.

15 Q. And why is that? 10:16:45

16 A. I -- I think privacy in general is important,  
17 like on the internet, off the internet. So probably not  
18 more than the average person, but I do think it is  
19 important.

20 Q. Do you take precautions to protect your privacy 10:17:06  
21 while you're on the internet?

22 A. Yeah.

23 Q. And what -- what do you -- what precautions do  
24 you take?

25 A. Well, I was going in Incognito mode. 10:17:24

1 Q. And what other precautions?

2 A. I think now and again, there are some options to  
3 change settings or cookie settings, things like that, and  
4 so when things pop up, I generally -- generally will try  
5 to look at them and see if something makes sense or not 10:17:46  
6 for what I'm doing.

7 Q. And so by that, do you mean that some -- that  
8 sometimes when given the option, you will opt out of  
9 cookies? Is that accurate?

10 A. Yeah, sometimes. Or like if -- and I don't know 10:18:06  
11 if this really works, but sometimes not accepting the  
12 cookies when I'm on a website real quick. I sometimes  
13 will avoid that if I can or have to, or if I have the  
14 option, I guess.

15 Q. And sometimes do you allow cookies when given 10:18:24  
16 the option?

17 A. Sometimes.

18 Q. How do you make that decision about whether to  
19 allow cookies or not?

20 A. Well, sometimes they're kind of tricky, and 10:18:35  
21 they -- they put it in a place where you would  
22 accidentally hit it. So I do, and it happens, and then  
23 sometimes you -- you have to give an answer, and then --  
24 and then sometimes the content of what I'm going on, it  
25 really doesn't bother me or I'm fine with giving cookies. 10:18:52



1 Q. BY MS. JENKINS: All right. And are there types  
2 of websites where you would always object to cookies to  
3 the extent that you can or types of information where you  
4 would think that it's sensitive that you always want to  
5 object to cookies? 10:21:02

6 A. No, I don't think I have any -- any hard lines  
7 in that sense. Like generally, if I'm really concerned  
8 about the content I would go into, I would go into  
9 Incognito mode.

10 Q. All right. Other than Incognito mode and 10:21:23  
11 sometimes objecting to cookies, are there any other  
12 precautions you take to protect your privacy on the  
13 internet?

14 A. Nothing's coming to mind.

15 Q. Okay. Are you in particular concerned about 10:21:39  
16 information that Google collects from you as opposed to  
17 other web entities that may also be collecting  
18 information?

19 A. I think both. Like -- like Google obviously is,  
20 you know, a juggernaut when it comes to information and 10:22:03  
21 data collection, and so to a degree, I'm probably a  
22 little more concerned versus some minor small website.

23 But I think in general, I think both. I'm  
24 concerned about, you know, data privacy, data collection.

25 Q. What have you done to understand Google's data 10:22:26

1 collection?

2 MR. LEE: Again, Mr. Brown, I think you can  
3 answer this question, but you should do it without  
4 revealing any communications you've had with your  
5 attorneys.

10:22:45

6 THE WITNESS: What have I done to understand  
7 data collection? Probably -- well, not probably. I've  
8 done some reading. And I've read like Google about some  
9 items, like the Terms of Service. So I've gone through  
10 and read -- more things come to me I would say than I go 10:23:08  
11 seek as far as data collection, like when you're saying,  
12 oh, hey, if the cookies comes up, or if like some things  
13 will pop up, and then you have the opportunity to learn a  
14 little bit about what you're doing, what you're reading,  
15 what data is being collected and isn't. 10:23:24

16 And so I've probably been a little more vigilant  
17 with looking at stuff -- you know, a lot of it's right  
18 there so you can kind of see what's happening.

19 Q. BY MS. JENKINS: Prior to becoming involved in  
20 this lawsuit, had you reviewed Google's disclosures about 10:23:44  
21 what data it collects?

22 A. Just your -- yes.

23 Q. Do you know which disclosures you had reviewed?

24 A. Well, just in -- not the top of my head, but I  
25 do -- like I've seen the Google Terms of Service. I've 10:24:09

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1     seen the privacy policy.

2 Q. And -- and did you do any outside research  
3 trying to understand what data Google -- Google was  
4 collecting?

5           A. Not that I recall. I mainly just went straight           10:24:34  
6   to the source and went into what Google was saying.

7 Q. When you mentioned before that you had seen some  
8 odd things, odd things happening with advertising, was  
9 that specifically when you were browsing on the Chrome  
10 browser? 10:24:55

11           A. I -- as I stated before, I don't exactly recall,  
12   and I don't want to mislead you.

13 Q. And if you've already stated this, I apologize,  
14 but as far as the odd things that were happening with  
15 advertising, can you provide a better description of what 10:25:17  
16 was happening that you considered to be odd?

17           A. You know, sometimes you get advertisements that  
18       seemed tailored -- tailored to yourself, and you're  
19       wondering how -- how did they -- how did they tailor that  
20       to me, or is it a coincidence or that's an odd                               10:25:43  
21       coincidence. So -- but it was along those lines.

22 Q. Would it have been times when you had been  
23 searching for something on the internet and then later  
24 received advertisements for products that are related to  
25 those searches that you had been performing? 10:26:02

1           A. I don't find it odd when I'm doing normal  
2     searching and I get an advertisement later for that,  
3     so...

4           Q. Okay. So can you help me understand in what --  
5     what sort of thing you would consider odd? 10:26:25

6           A. If -- like, you know -- you know how a lot of  
7     people say that, oh, we were just talking about something  
8     and then all the sudden we got this ad for it. Or if I  
9     was browsing something in Incognito mode and, you know, I  
10    got an ad for it. Or if -- like I'm assuming through a 10:26:46  
11    pattern of things that I look for, something pops up,  
12    like that's just some advertising that is tailored to me  
13    seemed odd. It seemed like I -- I would like to inquire  
14    about this.

15          Q. You mentioned when you're browsing in Incognito 10:27:12  
16    mode and you receive an ad. Do you mean that within a  
17    specific Incognito session, ads that you might receive  
18    within that session, you would find that odd to be  
19    receiving ads, or do you mean something else?

20          A. Again, I don't recall exactly what it was, but 10:27:37  
21    it was just, you know, a pattern of ads that made me  
22    think, hmm, that's odd.

23          Q. Okay. Is it important for you to know what  
24    information websites other than Google are collecting  
25    when you're browsing the web? 10:27:57

1 the things.

2 Q. Okay. What is your current understanding of how  
3 Incognito mode in Chrome works?

4 A. Is that it doesn't collect your data while  
5 you're in Incognito mode. 11:13:38

6 Q. Okay. Has that understanding changed over time  
7 or has that been your understanding since you started  
8 using Incognito mode?

9 MR. LEE: Sara, I don't -- I don't mean to jump  
10 in. Just for clarity, I think you mean prior to the 11:13:56  
11 lawsuit for your question, for the purposes of your  
12 question?

13 MS. JENKINS: Well, yeah, that's fine. I mean,  
14 we can -- I can ask that question.

15 Q. Is that the same understanding that you had 11:14:08  
16 prior to taking part in this lawsuit?

17 A. Prior to it, yes. I feel like post the  
18 initiation of the lawsuit, I've learned quite a bit more  
19 about it.

20 Q. Okay. That's what I was trying to ask 11:14:32  
21 originally, which is what is your current understanding  
22 of how Incognito mode works?

23 A. Oh, yeah, my current understanding is that it --  
24 it gives the veneer of not collecting your data, but it  
25 actually collects quite a bit of your data. That's my 11:14:50

1 current understanding.

2 Q. And when you say it gives the veneer of not  
3 collecting data, what do you mean by that?

4 A. It positions itself and says that we don't  
5 collect your data, and you have -- you have the choice, 11:15:12  
6 and you have to give consent. And then it goes and  
7 pretty much collects a bunch of your data, apparently.

8 And in some cases, it's actually even worse than  
9 regular browsing because at least in regular browsing, I  
10 can go in and I can -- I can delete my history, and I can 11:15:38  
11 delete the information that you have about me.

12 But in Incognito mode, apparently, I cannot. So  
13 it -- it feels like a worse monster than -- than what I  
14 thought it was prior to this.

15 Q. When you say that you can delete certain things 11:16:01  
16 if you're not using Incognito mode, what are you  
17 referring to? How would you go about deleting things?

18 A. Well, we talked about different things that you  
19 can delete going into -- I don't remember what the link  
20 was or the My Account or things like that. But 11:16:21  
21 apparently, you can go in there, and I recall deleting  
22 things.

23 Even in just normal, like if you go -- I'm  
24 sorry, I just forget what that link's called and what it  
25 goes to. But you can go to your account, and you can 11:16:40

1 mischaracterizes his prior testimony.

2 THE WITNESS: No. I guess -- well, I didn't  
3 have the concern because I don't use them. So I haven't  
4 given it any thought because I don't -- I don't use them.

5 Like when I went on it, I -- I don't even believe I went 11:47:01  
6 on a website. So there's not much cause for concern  
7 there.

8 Q. BY MS. JENKINS: All right. If you are in  
9 Incognito mode and you visit Google.com, do you  
10 understand that Google will receive certain of your data? 11:47:18

11 A. From in Incognito mode and I go to Google.com?  
12 No, I think that's why I go into Incognito mode. So they  
13 don't collect my data.

14 Q. So if you were to go into Google.com and, for  
15 instance, search for something, you don't think that 11:47:46  
16 Google should receive any information about what you're  
17 searching for?

18 A. Well, yeah, if I go into Incognito mode, I  
19 don't -- I don't think they should collect anything on  
20 me. If I type in something that I'm seeking, then like a 11:48:02  
21 water bottle, I would expect water bottles to come up.

22 Q. So you would expect information about your  
23 request to be sent to Google; is that correct?

24 A. I would expect it to come up. I wouldn't expect  
25 to be collected. Because Google said they wouldn't do 11:48:23

1 that. That's why I went into Incognito mode.

2 Q. So what is the difference between having results  
3 for your search come up and having Google collect the  
4 information that you've input?

5 A. Well, if I go -- if I like -- as an example, if 11:48:41  
6 I go onto -- if I'm in Incognito mode and I go into a  
7 website, I would expect that website to come up, but I  
8 wouldn't expect things to be collected on the -- while  
9 that's happening.

10 And so I guess in your example, I guess it would 11:49:01  
11 be the same thing.

12 Q. But you understand that Google will have to  
13 receive some information from you in order to provide you  
14 search results if you're searching for something; is that  
15 right? 11:49:22

16 A. I -- I understand that if I go onto Google, and  
17 I go into the Google search bar, and I'm in Incognito  
18 mode, that some magic in the background happens, and then  
19 that comes up. I don't -- I don't really know how that  
20 works, but I do understand that if I search in the Google 11:49:40  
21 search bar and I'm in Incognito mode, I do understand  
22 that what I search for would come up.

23 Q. So doesn't that mean that Google will have to  
24 receive the information that you input?

25 MR. LEE: Objection. Asked and answered, calls 11:49:57



1 our work email. It seemed like another layer of  
2 protection there, something like that.

3 Q. Have you ever used a VPN specifically to try to  
4 protect your privacy while browsing on the web?

5 MR. LEE: I'm sorry, could you repeat that 12:24:07  
6 question, Sara?

7 Q. BY MS. JENKINS: I said have you -- have you  
8 ever used a VPN specifically to try to protect your  
9 privacy while browsing on the web?

10 A. No, not specifically for that. 12:24:20

11 Q. Have you used any standalone ad-blocker  
12 programs, so as opposed to an extension for Chrome, just  
13 in any -- any type of ad blocker?

14 A. No, not -- I don't believe so.

15 Q. Is it your view that Google does not alert you 12:24:46  
16 that your data may be received by Google when you browse  
17 the internet in a private browsing mode?

18 A. Can you repeat that question?

19 Q. Is it your view that Google does not alert you  
20 that your data may be received by Google when you browse 12:25:01  
21 the internet in private browsing mode?

22 A. That they -- they don't alert me when they --  
23 when I'm in Incognito mode. That -- so it's my  
24 understanding that Google does not alert me that they're  
25 collecting my data when they're in Incognito mode. It's 12:25:25

1 actually quite the opposite. They -- from top to bottom,  
2 from the privacy policy to the splash screen, they're  
3 indicating that they're not doing that.

4 Q. How would you expect Google to alert you to the  
5 fact that it is receiving information from you when 12:25:49  
6 you're browsing in Incognito mode?

7 A. I would expect them -- well, okay, let me back  
8 up. Let me back up here. Because that's -- it's a  
9 slippery slope I can go down there.

10 I expect them to not collect my data in those 12:26:15  
11 modes. And you're asking me, okay, well, hey, if they  
12 were going to, how -- how would they do it? They don't  
13 need to. I would just do -- use normal Google Chrome  
14 if -- or if they were going to do it, I would be -- it  
15 should be completely transparent and explained, hey, I 12:26:32  
16 know you just went into Incognito mode, but we're going  
17 to be tracking you -- like, now. We're going to be  
18 collecting, like, your data, which kind of defeats the  
19 purpose of Incognito mode.

20 So like how would I expect them to do that? I 12:26:52  
21 expect them not to do that. I expect them to not say  
22 we're not going to do it and then -- and then do it.  
23 It's like -- yeah, I don't expect my girlfriend to cheat  
24 on me. How do I want her to tell me when she does cheat  
25 on me? I'm more concerned that she cheated on me, 12:27:13

1 verbiage.

2 MS. JENKINS: All right. And you have the  
3 Complaint there, I know, in front of you. But let's --  
4 let's make the Complaint an exhibit.

5 Tracy, can you load that as the next exhibit. 13:34:09  
6 This will be the Second Amended Complaint.

7 (Exhibit 4, Second Amended Complaint, was marked  
8 for identification by counsel electronically.)

9 THE WITNESS: Exhibit Number 4?

10 Q. BY MS. JENKINS: Yes, it is. It's just come up 13:34:44  
11 on my screen. If you could take a look at that.

12 If you prefer to look at -- I know you have a  
13 paper copy. If you prefer to look at that, it is okay  
14 with me.

15 I'll represent that you provided that your copy 13:35:01  
16 has the typing at the top, case 5:20-cv. They should be  
17 the same. This is just the downloaded Complaint from the  
18 Court's docket.

19 A. It does.

20 Q. Okay. So if it's easier for you to look at the 13:35:19  
21 paper copy, that's okay with me.

22 Could you turn to page 69 in paragraph 268.

23 A. Okay.

24 Q. And this is under the section for Count Six,  
25 Breach of Contract. Could you please read paragraph 268. 13:35:58

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1 look, and then subsequently when things have come up, I'm  
2 sure I looked again.

3 Q. You say when you signed up. Would that be the  
4 time when you first opened a Google account?

5 A. Yes. 13:38:02

6 Q. Would that be in approximately April of 2012?

7 A. Yes, that sounds right.

8 Q. And did you review all of the Terms of Service  
9 at that time?

10 A. From years ago. So it's hard to say if I 13:38:17  
11 reviewed the entire -- reviewed it in its entirety. But  
12 I'm sure I took a look at it, and then I'm sure, you  
13 know, I've looked at it other times as well.

14 Q. And did you agree to the Google Terms of  
15 Service? 13:38:42

16 A. Yes, I believe I had to, but yes.

17 Q. Are there any representations within the Terms  
18 of Service that state that you can control what  
19 information Google collects by enabling private browsing  
20 mode? 13:39:00

21 MR. LEE: Does your question include all the  
22 hyperlinks?

23 MS. JENKINS: I'm -- my question is currently to  
24 the Terms of Service. Why don't we -- let's make the  
25 Terms of Service an exhibit. Can we make the Terms of 13:39:10

1 this notice, your activity might still be visible to  
2 Google.com since Google.com might be a website that you  
3 visit?

4 A. No, because Google.com is, you know, a product  
5 and a service of Google. It's a search engine. So my 14:18:02  
6 Google, in its privacy policy, can't tell me, hey, we're  
7 going to protect your data and all our services will  
8 protect your data, and when you go in Incognito mode, and  
9 then when I go to a Google service in Incognito mode,  
10 then say, well, we can collect your data this way. 14:18:25  
11 That -- that -- that seems silly.

12 Q. What about this notice page would lead you to  
13 believe that Google.com would not be able to view your  
14 data?

15 A. Well, because this is the Google Incognito mode, 14:18:45  
16 which is -- like it's clear that Google protects your  
17 data when you're in Incognito mode from Google and all of  
18 its services.

19 So I think it would be self-evident because it  
20 is a Google -- it's the Google Incognito mode. 14:19:08

21 Q. So do you think the purpose of Incognito mode is  
22 to make you invisible to Google?

23 MR. LEE: Objection to form. Mischaracterizes.

24 THE WITNESS: Well, I think the purpose of  
25 Incognito mode is to allow a user to browse privately, 14:19:27

1 and of course, the more I've found out about this, I  
2 can't say that with confidence. It sounds like Google  
3 collects data in a myriad of ways while you're in  
4 Incognito mode, but that's not how it was represented.  
5 That's not what's been said in its own documents. That's 14:19:54  
6 not how it's even portrayed when it comes up every time  
7 on this exact screen we're looking at right now.

8 Q. BY MS. JENKINS: So do you believe from what you  
9 see on this screen that if you were to go to Yahoo.com  
10 and do a search, that this screen discloses that Yahoo 14:20:18  
11 may receive your activity?

12 A. Well, if -- when I'm in Incognito mode, then  
13 Google and every product of Google will do everything it  
14 can to not protect -- oh, sorry. It's my Google Android  
15 phone just has been listening to us, apparently. So 14:20:43  
16 sorry.

17 I don't want to lose my train of thought, but  
18 what was the question again? I got interrupted by  
19 Google, ironically.

20 Q. Oh. Do you believe from what you see on the 14:20:58  
21 screen that if you were to go to Yahoo.com and do a  
22 search there, that this screen we're looking at discloses  
23 that Yahoo may receive your activity?

24 A. Well, yeah, this screen shows me that Google and  
25 everything associated with Google, you know, will be 14:21:17

1 mode. Well, then, I'll go there.

2 And then the other stuff, okay, like I  
3 understand that certain things are going to be tracked  
4 per our contract.

5 Q. BY MS. JENKINS: Do you have an understanding of 14:52:03  
6 what Sync is within Google?

7 A. I understand like syncing, you know, devices and  
8 things like that, but if that's a particular like the  
9 name of something, then no.

10 Q. Are you aware of if, in your Google account, you 14:52:22  
11 have Sync on or off or Sync enabled, I should say?

12 MR. LEE: Objection to form. Lack of  
13 foundation. He just told you he doesn't know what Sync  
14 is.

15 THE WITNESS: I'm not aware. 14:52:35

16 Q. BY MS. JENKINS: Can you take a look at this  
17 page, at Exhibit 10, and see, other than what we just  
18 discussed, if you see anything here that you understand  
19 to represent from Google that Google would not collect  
20 user data in private browsing mode? 14:52:55

21 A. "You're in control" -- the first sentence.  
22 "You're in control of what information you share with  
23 Google when you search." Like they're telling me from  
24 the first sentence, you're in control. And so -- so when  
25 I read that, I think, well, how am I in control? Oh, 14:53:25



1       yeah, in the privacy policy, they told me exactly how I'm  
2       in control. And then when I went in Incognito mode, on  
3       this splash screen, they showed me again.

4               So I think -- I think the first sentence says  
5       it. 14:53:43

6               Q. Okay. Any -- any other language on here that  
7       you want to point out?

8               A. "To browse the web privately, you can use  
9       private browsing," which is Incognito mode. So I think  
10      that tells me as well. 14:54:02

11              Q. Anything else?

12              A. Nothing's standing out. I think -- yeah,  
13      nothing's standing out.

14              Q. All right. Can you take a look under the  
15      section that says "How private browsing works." Down at 14:54:24  
16      the bottom of that section where it says "Important,"  
17      could you read that part.

18              A. "If you sign in to your Google account to use  
19      the web service like Gmail, your searches and browsing  
20      activity might be saved to your account." 14:54:45

21              Q. Do you understand that logging into Gmail signs  
22      you into your Google account?

23              A. Logging into Gmail, yes, I understand that that  
24      would sign me into my Google account.

25              Q. And do you understand that when you sign into 14:55:03

1 your Google account, your searches and browsing activity  
2 might be saved to your Google account?

3 A. I -- well, and this is under the -- you know,  
4 private browsing, like I don't do that. So I -- that's  
5 part of the reason why I go into Incognito mode, is so 14:55:26  
6 that everything is private.

7 And so if I'm starting to put in passwords or  
8 logging into accounts, yeah, I don't know. I don't do  
9 that so I can't really speak -- speak well to it.

10 Q. So just to be clear, when you are in Incognito 14:55:47  
11 mode, you do not sign into Gmail?

12 A. Yeah. I'm not sure I ever have.

13 Q. And you don't have -- do you know if you've ever  
14 signed into your Google account in any other way when you  
15 were using Incognito mode? 14:56:08

16 A. I don't have a recollection of it.

17 Q. Earlier we discussed your understanding of your  
18 contract with Google, and one of the things that I  
19 believe you testified that you were providing to Google  
20 as part of that contract was your data; is that correct? 14:56:29

21 A. Yeah, my usage, my data.

22 Q. And under that contract, do you understand that  
23 you permitted Google to do whatever it wants with the  
24 information that it's collecting?

25 A. My normal browsing mode, yes; in Incognito mode, 14:56:48

1 Q. Were you aware of ways to sell your personal  
2 information before becoming involved in this lawsuit?

3 A. Yes.

4 Q. And what ways are you aware of being able to  
5 sell your personal information?

14:58:54

6 A. I don't know any specifics, but I do know there  
7 are, you know, some -- maybe they're sites or maybe there  
8 are search engines out there that, you know, pay you to  
9 collect, you know, data on you.

10 And then, you know, off the web, I'm very  
11 familiar with -- and I've done in the past where like you  
12 can go take surveys and things like that in person and --  
13 or even online, you can take surveys and give out a lot  
14 of information, and they'll pay -- you'll get paid to  
15 take those surveys.

14:59:13

14:59:33

16 MS. JENKINS: Okay. Tracy, could you load the  
17 responses and objections to Rog 3, please.

18 (Exhibit 11, Plaintiff Chasom Brown's Objections  
19 and Responses to Defendant's First Set of  
20 Interrogatories, was marked for identification  
21 by counsel electronically.)

14:59:38

22 Q. BY MS. JENKINS: All right. Mr. Brown, it looks  
23 like Exhibit 11 is in the folder. If you could open that  
24 up. And Exhibit 11 is Objections and Responses to  
25 Defendant's First Set of Interrogatories that we received

15:00:43

1 from you.

2 Could you take a look and see if you recognize  
3 this document.

4 A. Yeah, this document looks familiar.

5 Q. And could you take a look at -- well, at the 15:01:03  
6 Response to Interrogatory Number 3, which looks like  
7 it's -- starts on page 4.

8 MR. LEE: I think you should read the whole  
9 Interrogatory Number 3, meaning Interrogatory Number 3  
10 and then your response to Interrogatory Number 3, 15:01:28  
11 Mr. Brown, just so you have context.

12 THE WITNESS: Okay. Give me a moment to read  
13 it, if you guys don't mind.

14 Okay. I'm reacquainted with it.

15 Q. BY MS. JENKINS: As you sit here today, does 15:03:08  
16 this -- does the Response to Interrogatory Number 3  
17 appear accurate to you?

18 A. Yeah, it appears accurate.

19 Q. And if you look in the last sentence of this, it  
20 says: "Plaintiff Brown is familiar with other web 15:03:25  
21 browsers, such as Brave, among others, which pay users a  
22 fee for their browsing."

23 Are you familiar with Brave?

24 A. I'm familiar there are web browsers, and I'm  
25 familiar Brave is one of them. 15:03:42

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1 Q. Is there any other -- other than the additional  
2 energy that you mentioned and potentially an effect on  
3 your cell phone plan, is there any other harm that you  
4 have suffered as a result of Google's conduct?

5 A. Yes. When you have your -- your privacy 15:26:22  
6 breached, I consider that harm. And/or when you sign,  
7 you know, a contract and the other party doesn't live up  
8 to their side of the contract, I consider that harm.

9 Q. What type of harm is that?

10 MR. LEE: Objection to the extent it calls for a 15:26:50  
11 legal conclusion.

12 THE WITNESS: Well, I believe in the -- in the  
13 Amended Complaint, I think one of the complaints is a  
14 breach of contract. So that's where we point out the  
15 harm. 15:27:14

16 Q. BY MS. JENKINS: All right. Is there any -- any  
17 harm in addition to the ones that you've just named?

18 A. Well, that's the biggest thing. I think  
19 probably a lot of what I named isn't the biggest thing.  
20 It's all of my data that has been collected that is being 15:27:31  
21 used to -- without my knowledge, without my consent, with  
22 not even knowing what it is and what's being done with  
23 it, how it's being monetized, like that -- there's a  
24 whole, you know, unknown harm out there as well.

25 Q. Have you lost any property as a result of 15:27:59

1 A. Yeah.

2 Q. What is your opinion about targeted advertising?

3 MR. LEE: In normal mode?

4 MS. JENKINS: We can say in normal mode. I was  
5 looking for a general opinion about targeted advertising. 15:29:54

6 THE WITNESS: I'll do you one better. I'll do  
7 all three: General, normal mode, and Incognito.

8 Well, yeah, just in general, I think targeted  
9 advertising is a good thing. And normal browsing mode, I  
10 think that, again, it's I've given consent. We have a 15:30:18  
11 deal. I get the deal. Thank you for showing me, you  
12 know, a -- the surfboard I like.

13 And then when I'm in -- when I'm not in  
14 Incognito mode -- or I'm sorry, when I am in Incognito  
15 mode, I don't think that that's appropriate because you 15:30:37  
16 shouldn't be collecting anything about me. I'm supposed  
17 to be hidden. I'm supposed to be incognito. I'm  
18 supposed to be an invisible spy guy. That's why I click  
19 on the button.

20 And so I think anything along those lines is 15:30:57  
21 inappropriate at minimum and, you know, a breach in our  
22 deal otherwise.

23 Q. BY MS. JENKINS: Sometimes Chrome will suggest  
24 searches for you when you start typing into the search  
25 bar. Are you familiar with that? 15:31:16

1 so you don't break it up?

2 MS. JENKINS: That's fine.

3 THE VIDEOGRAPHER: We are off the record. The  
4 time is 3:37 p.m.

5 (Recess.) 15:37:36

6 THE VIDEOGRAPHER: We are back on the record.  
7 The time is 3:56 p.m.

8 Q. BY MS. JENKINS: Hello, Mr. Brown. I was just  
9 going to introduce the next exhibit, which I believe will  
10 be Exhibit 12. It may be already there. 15:56:21

11 (Exhibit 12, Defendant's First Set of  
12 Interrogatories (Nos. 1-6), was marked for  
13 identification by counsel electronically.)

14 Q. BY MS. JENKINS: It is. Could you please open  
15 Exhibit 12. 15:56:31

16 A. Yeah. I'm opening it now.

17 Q. This is a document titled "Defendant's First Set  
18 of Interrogatories (Nos. 1 to 6)".

19 Have you reviewed this document?

20 A. I'm just reviewing the document. Yeah, I have 15:57:00  
21 seen this.

22 Q. And do you understand that this document asks  
23 certain questions of you?

24 A. Yes.

25 Q. And you were asked to provide sworn responses to 15:57:15

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1 Q. And the other -- the other documents here that  
2 are in: 9, Google Terms of Service; 10, Chrome Terms of  
3 Service; 11, Chrome Privacy Notice; 12, My Google  
4 Activity; 13, Chrome Incognito Notice, did you review all  
5 of those documents as well? 15:59:19

6 A. I don't -- I'd have to see them again to know,  
7 but like all these sound like documents that I've seen or  
8 that I reviewed.

9 Q. All right. We can move to the next exhibit,  
10 which will be your Amended Responses and Objections to 15:59:50  
11 Rogs -- Interrogatories Numbers 1, 4, and 5 will be  
12 Exhibit 13.

13 (Exhibit 13, Plaintiff Chasom Brown's Verified  
14 Amended Objections and Responses to Defendant's  
15 Interrogatories 1, 4, and 5, was marked for 16:00:00  
16 identification by counsel electronically.)

17 Q. BY MS. JENKINS: Do you have the document?

18 A. It is now up, yes.

19 Q. And do you recognize this document?

20 A. Yes. 16:00:39

21 Q. Did you review this document to make sure that  
22 your responses were complete and accurate?

23 A. Yes.

24 Q. And then if you look -- I'm not sure what page  
25 of the PDF is, but if you look down at the verification 16:00:58

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1 which comes after all of the responses, did you sign that  
2 verification for these responses?

3 A. Yes, I did. That's my signature and my title.

4 Q. As you sit here today, are you aware of anything  
5 that is no longer accurate that is included in these 16:01:22  
6 responses?

7 A. I'm not aware as I sit here today. Although I  
8 obviously -- it's a fluid case. I'm sure new evidence is  
9 being introduced, but I'm not aware as I sit here.

10 Q. All right. Can you take a look specifically at 16:01:45  
11 Interrogatory Number 4 and the Amended Response to  
12 Interrogatory Number 4.

13 A. Number one. I'm just going to reread it, if you  
14 don't mind.

15 Q. Yes, go ahead. 16:02:08

16 A. Okay.

17 MR. LEE: And before you get into the questions,  
18 let me just lay something down for the record.

19 Procedurally what occurred here is Google  
20 propounded Interrogatory Number 4 on Mr. Brown. There 16:02:54  
21 was a dispute among the parties as to the scope of what  
22 the response should be. There was an original response  
23 to the Interrogatory Number 4.

24 And after the dispute was resolved by the Court,  
25 the Amended Response to Interrogatory Number 4 was then 16:03:14

1 submitted, which is reflected here.

2 And the -- the websites listed in the Amended  
3 Response to Interrogatory Number 4 is consistent with  
4 what the Court ordered the answer to this Interrogatory.

5 I don't think that's in dispute in any way. I 16:03:36  
6 just want Mr. Brown to know the history that the lawyers  
7 have.

8 MS. JENKINS: All right. Well, for the record,  
9 I take no position on what you've just said, but...

10 MR. LEE: Your partner, Andrew Schapiro, agreed 16:03:50  
11 with me when he went over the same document. So I doubt  
12 it's controversial.

13 Q. BY MS. JENKINS: So, Mr. Brown, with respect to  
14 the websites that are listed here in the second paragraph  
15 of your Amended Response to Interrogatory Number 4, can 16:04:02  
16 you tell me of these websites which websites you know  
17 that you have reviewed the privacy policies for?

18 A. Of these websites can I recall which ones I  
19 reviewed the privacy policy? Google. The other ones,  
20 the Redfin one, like I had some recollection when you 16:04:36  
21 brought it up. Yahoo, I believe I've seen in the past.  
22 Wells Fargo, I think kind of -- I vaguely recall reading  
23 Wells Fargo. So some of them, yes.

24 Q. With respect to the other ones that are listed  
25 here that you did not just name, is it that you don't 16:05:04

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1 remember whether or not you've reviewed the privacy  
2 policies?

3 A. Yeah, that would be fair to say.

4 Q. And for the policies here that you remember that  
5 you have read, did you continue to use these websites 16:05:18  
6 after reviewing the privacy policies?

7 A. Yeah.

8 Q. Have you enabled any privacy features on any of  
9 these websites?

10 A. Well, as -- when I wanted to browse privately on 16:05:42  
11 these websites, I would go into Incognito mode, and then  
12 that would enable all the privacy afforded to me.

13 Q. Anything else that you've done with respect to  
14 these websites to protect your privacy?

15 A. No. 16:06:00

16 Q. And what about the apps that are listed in the  
17 following sentence, which looks like: YouTube, Voxer,  
18 Telegram, Google, Yahoo Mail, Instagram, Google Maps,  
19 Starbucks, ETrade, and Google Chrome, can you let me know  
20 which of those privacy policies you've reviewed? 16:06:19

21 A. Voxer, Telegram, Google. I have a vague  
22 recollection of looking at Yahoo Mail. That might have  
23 been the Yahoo one that I saw, but I recently downloaded,  
24 you know, the new version.

25 Q. Do you mean that you downloaded the Yahoo Mail 16:06:56

1 Q. Understood.

2 You mentioned you have a Yahoo Mail address. Is  
3 that mail address linked to a Google account?

4 A. I don't know what you mean by "linked," but how  
5 they are associated is I do get -- so I have my Yahoo 16:09:02  
6 Mail email address, and then I can click on another tab  
7 and a Google email address, my Google mail will come in  
8 there from one of my Google accounts.

9 Q. Is that within the Yahoo Mail app? Is that what  
10 you mean? 16:09:25

11 A. Yeah, in Yahoo Mail in general.

12 Q. But do you know whether you have a Google  
13 account set up for that Yahoo Mail address?

14 MR. LEE: Asked and answered.

15 THE WITNESS: Oh, I think I understand what 16:09:39  
16 you're asking now. No, I don't believe I do.

17 MS. JENKINS: Okay.

18 All right. Tracy, can you load the next  
19 exhibit, which is the May 6th Amended Responses and  
20 Objections. 16:09:57

21 (Exhibit 14, Plaintiff Chasom Brown's Verified  
22 Amended Objections and Response to Defendant's  
23 Interrogatory No. 2, was marked for  
24 identification by counsel electronically.)

25 MR. LEE: What exhibit are we on? I'm sorry, 14 16:10:14

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1 or 15?

2 THE WITNESS: I believe it's 14.

3 MR. LEE: I wasn't asking you, Mr. Brown.

4 THE WITNESS: Well, Sara will correct me.

5 MS. JENKINS: Yeah, it is -- it is 14. 16:10:33

6 Q. Do you have it open?

7 A. I do have. It's open now.

8 Q. All right. Do you recognize this document?

9 A. Yes. This looks familiar.

10 Q. Can you take a look at the Interrogatory and 16:10:48

11 Responses to Interrogatory Number 2, please.

12 A. Number 2, yes. Give me a moment just to read.

13 Okay. I'm reacquainted with it.

14 Q. Does this look accurate to you as we sit here

15 today? 16:12:14

16 A. Yeah, yeah, it looks accurate.

17 Q. How many Google accounts do you have?

18 A. They're -- three.

19 Q. And are the three email addresses -- addresses

20 associated with these accounts listed here in the Amended 16:12:43

21 Response to Interrogatory Number 2?

22 A. Let me go -- sorry. Yes, they are listed there.

23 Q. And I think that you testified earlier that you

24 still use all three of these addresses; is that correct?

25 A. Correct. 16:13:05

1 that makes sense.

2 MS. JENKINS: All right. Tracy, can you load  
3 Exhibit 17, please.

4 (Exhibit 17, Google Subscriber Information,  
5 GOOG-BROWN-0039498 - 500, was marked for 16:20:41  
6 identification by counsel electronically.)

7 Q. BY MS. JENKINS: And Mr. Brown, do you have the  
8 document open?

9 A. Yes.

10 Q. It appears that this is Google subscriber 16:21:15  
11 information for the Google account pleasebagme@gmail.com;  
12 is that right?

13 A. Yeah, correct.

14 Q. And it shows here that it was created on  
15 June 24th, 2018. 16:21:29

16 Does that sound correct to you?

17 A. That sounds about right.

18 MS. JENKINS: All right. Tracy, can you upload  
19 the June 1st, 2021 Amended Responses and Objections to  
20 Google's Second Set of Interrogatories. 16:21:53

21 (Exhibit 18, Plaintiff Chasom Brown's Amended  
22 Objections and Responses to Defendant's Second  
23 Set of Interrogatories, was marked for  
24 identification by counsel electronically.)

25 THE WITNESS: I have that up whenever. 16:22:29

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1 Q. BY MS. JENKINS: All right. Could you take a  
2 look down at Interrogatory Number 10 and read through  
3 that Interrogatory and your responses.

4 Oh. Never mind. You can go ahead and do that.

5 MR. LEE: We are reading 10? 16:22:53

6 MS. JENKINS: Yes. Thank you.

7 MR. LEE: Okay.

8 THE WITNESS: Okay. I'm familiar.

9 Q. BY MS. JENKINS: All right. Does this response  
10 appear accurate to you as we sit here today? 16:24:10

11 A. Let me read a little more just to be sure. It's  
12 a little longer, but yeah, so far, it's been accurate, to  
13 answer your question.

14 Q. All right. Can you tell me why you have not  
15 attempted to sell your personal data? 16:24:30

16 MR. LEE: Objection to form, asked and answered.

17 THE WITNESS: Why I haven't attempted -- oh, I  
18 have sold my personal data before. And I said I have  
19 taken surveys and gotten paid for them, and that was, you  
20 know, the personal data on myself. 16:24:55

21 So why I haven't taken it further? I'm a busy  
22 dude. That's just difficult to track all that -- track  
23 all that down.

24 Q. BY MS. JENKINS: All right. So specifically, I  
25 meant personal data as at issue in this litigation. 16:25:13

1           Would your answer be the same to that question?

2           A. Well, I -- my answer would be I like the deal  
3       that I have. I understand that Google is collecting my  
4       data, and clearly, as we went through those last  
5       documents, I use a lot of different Google products. So       16:25:37  
6       I am in the Google ecosystem. I'm a Google user. I'm a  
7       Google customer. So like I understand that they're  
8       giving me some free services for that, and I like that  
9       deal.

10           The side of the deal that I don't like is the       16:25:54  
11       Incognito mode side of the deal. Because that's supposed  
12       to be my out, meaning, hey, I'm not giving you data right  
13       now, and you agree, we agree. And then unfortunately, it  
14       seems Google has been collecting my data under those  
15       circumstances.       16:26:18

16           Q. Can you take a look back at Interrogatory  
17       Number 8 and your response to that Interrogatory.

18           A. 10, 9, 8. Excuse me.

19           Okay. I'm familiar. You can ask your  
20       questions.       16:26:58

21           Q. Okay. And you see that this Interrogatory says:  
22       "Describe with particularity each category of 'personal  
23       and sensitive user data' that you contend Google  
24       unlawfully 'intercepted.'" Correct?

25           A. I see that, yes.       16:27:12



1 Q. And then as part of your response, in the second  
2 paragraph, there is a list of different types of  
3 information.

4 Do you see that? A numbered list starting with  
5 the number 1? 16:27:27

6 A. Yeah.

7 Q. Do you know what a "get request" is?

8 A. I believe it's a -- oh, hold on. Let me read my  
9 complete response.

10 I believe the definition is right behind it, but 16:27:57  
11 I think that's the term for it.

12 Q. Okay. Can you then read what you believe to be  
13 the definition of that?

14 A. It provides the content the user's browsing  
15 software asks the website to display while in private 16:28:15  
16 browsing mode.

17 Q. And do you have a -- with regard to number 2,  
18 what's your understanding of what an IP address is?

19 A. It's -- the identifier of your connection.

20 Q. And how do you understand an IP address to be 16:28:38  
21 used?

22 MR. LEE: Objection. Vague. Used by who?

23 THE WITNESS: Well, I don't give a lot of  
24 thought to how I use an IP address. I don't think I use  
25 it normally. I think, again, it's an identifier. 16:29:03

1 Q. And you would specifically say these six items  
2 of information are personal and sensitive user data; is  
3 that correct?

4 MR. LEE: Asked and answered.

5 THE WITNESS: Yes. 16:33:24

6 MS. JENKINS: All right. Tracy, can you load  
7 the next exhibit, which is the September 20th Responses  
8 and Objections to Interrogatory 16.

9 (Exhibit 19, Plaintiff Chasom Brown's Verified  
10 Objections and Responses to Defendant's Fifth 16:33:38  
11 Set of Interrogatories (No. 16), was marked for  
12 identification by counsel electronically.)

13 THE WITNESS: Uh-oh. Now I'm getting lost on  
14 exhibits. Was that 18?

15 Q. BY MS. JENKINS: The -- the next one should be 16:34:02  
16 19.

17 A. Okay.

18 MR. LEE: It just loaded for me right now,  
19 Chasom.

20 THE WITNESS: Got it. I've got it right now. 16:34:11

21 Q. BY MS. JENKINS: Can you please take a look at  
22 Interrogatory Number 16 and the response.

23 A. Okay. I'm familiar with it. If there's a  
24 certain section, we can go over it.

25 Q. Does this response look accurate to you? 16:35:21

1 A. Yes.

2 Q. And are you familiar with the different projects  
3 that are listed here?

4 MR. LEE: Objection to form. Can you be more  
5 specific? 16:35:37

6 Q. BY MS. JENKINS: Yeah. Are you familiar with  
7 Ipsos Screenwise Panel?

8 A. Let me find the content. One moment.

9 Q. It's in the third paragraph of the response.

10 A. Yeah. 16:36:16

11 Okay, yeah. I understand. I recall.

12 Q. Are you familiar with the Ipsos Screenwise  
13 Panel?

14 A. It's the consumer research study; correct?

15 Q. Yes. 16:36:36

16 Is that all of your understanding about what it  
17 is?

18 A. Yeah. Outside of what I have on here, this is  
19 my full understanding of it. I didn't do a lot of  
20 research into it, but I understand what it is. 16:36:52

21 Q. And what about Google's Opinion Rewards surveys;  
22 are you familiar with that?

23 A. I am.

24 Q. Have you ever signed up for that?

25 A. I have signed up for studies. I don't -- I 16:37:10

1 don't recall if it was a Google one or not.

2 Q. And what about Nielson Computer & Mobile Panel;  
3 are you familiar with that? It's in the next paragraph.

4 A. Let me pull that up.

5 Q. Have you signed up for Neilson Computer & Mobile 16:37:50  
6 Panel?

7 A. No, I have not.

8 Q. It says here that it pays up to \$50 a year for  
9 passive data collection of a user's internet behavior.

10 Would you sell your internet use data for \$50 a 16:38:04  
11 year?

12 A. My data is worth way more than that.

13 Q. Is there a number you have in mind of what your  
14 user data would be worth?

15 A. I'm willing to work with Google to go over all 16:38:23  
16 the data that they have and put the value that they put  
17 on it to see if that's in -- in range. I think it's  
18 certainly more than \$50 a year. But I think they're  
19 probably the experts on it, and they have some idea of  
20 what data is worth. 16:38:48

21 Essentially, I defer to the experts on how much  
22 data is worth. My data is definitely worth more than \$50  
23 a year, though.

24 Q. Is there a number at which you would agree to  
25 sell your user data? 16:39:06

1       that.

2           Q.   And sitting here today, is it true that you  
3       can't provide a number?

4           A.   I don't know.   Same thing.   I would need to  
5       really look into that.   But like my private information,       16:56:29  
6       my private data, yeah, it definitely -- it seems more  
7       valuable.   Because I don't want to give it; right?   But  
8       if you keep upping the price, then maybe at some point,  
9       okay, I'll tell you what my weird fetish is.   So it's  
10      like kind of how it would work.                               16:56:55

11          Q.   Right.   That won't be necessary today, but...

12          A.   Oh, that's not the next question?

13          Q.   No.

14          A.   Okay.

15               MS. JENKINS:   Tracy, can you upload the Amended       16:57:06  
16       Responses and Objections to the Second Set of Requests  
17       For Admissions, please.

18               (Exhibit 20, Plaintiff Chasom Brown's Amended  
19       Objections and Responses to Defendant's Second  
20       Set of Requests For Admission, was marked for       16:57:14  
21       identification by counsel electronically.)

22          Q.   BY MS. JENKINS:   All right.   So Mr. Brown, you  
23       should now have Exhibit 20 in your folder.

24               Do you see that?

25          A.   I'm pulling it up.                               16:57:43

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1 Q. And this is your Objections and Responses to  
2 Defendant's Second Set of Requests For Admission.

3 Do you recognize this document?

4 A. Yes.

5 Q. Could you go down to Request For Admission 16:58:07  
6 Number 6, please.

7 And could you read aloud that Request For  
8 Admission.

9 A. Let me find it. It's farther down than I  
10 thought. 16:58:27

11 "Admit that Google privacy policy you reviewed  
12 disclosed that Google collects information about user's  
13 visits to websites that use Google services."

14 Q. And do you see there that the response says just  
15 "denied"? 16:58:47

16 A. Yes.

17 Q. What is the basis for that denial?

18 A. Because it gets -- in Incognito mode, there's no  
19 data that is supposed to be collected from any Google  
20 service. So if you're saying in here that Google 16:59:19  
21 collects information about user visits to websites that  
22 use Google's services, then anything associated with  
23 those Google services and Google itself should not be  
24 collecting my data. So I don't admit that, and that's  
25 why I denied it. 16:59:46

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1 Q. Do you see that this request doesn't mention  
2 Incognito mode?

3 A. Admit that each Google...

4 MR. LEE: I disagree with that characterization.

5 By the way, I know I'm listed as Mark Mao now. I'm done 17:00:11  
6 with that one.

7 MS. JENKINS: All right. Sorry, I didn't see  
8 you there, James. I see you now.

9 THE WITNESS: Like it's -- I do see that it says  
10 Google privacy policy, but in the privacy policy, you 17:00:32  
11 know, there's -- there's both in there.

12 So maybe because it's just a confusing question  
13 to a degree. So I'm like I still can't admit that.

14 Q. BY MS. JENKINS: And can you take a look at  
15 Request For Admission Number 7 and read that one aloud, 17:00:56  
16 please.

17 A. "Admit that the Google privacy policy does not  
18 represent that using private browsing mode will prevent  
19 Google from receiving information through its services."

20 Q. And do you see that that one is also denied? 17:01:14

21 A. I do.

22 Q. Can you explain the basis for your denial?

23 A. Yes. Let me reread it.

24 Just say that it does not represent that using  
25 private browsing mode will prevent -- yeah, it -- because 17:01:59

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1 the Google privacy policy represents that it does prevent  
2 it.

3 Q. And the ways that you believe that it represents  
4 that are the same ways that we discussed earlier when  
5 looking at the -- at Google's privacy policy; is that 17:02:26  
6 correct?

7 A. Well, it represents them by the words Google  
8 uses in their privacy policy.

9 Q. And those are the same words that we reviewed  
10 earlier today; is that correct? 17:02:41

11 A. Correct.

12 Q. All right. I'm done with this exhibit.

13 So do you recall providing Google with cookie  
14 values from your browser during this litigation?

15 A. Yeah, I believe we did that. You're talking 17:03:02  
16 about --

17 MR. LEE: Hold on. Hold on. Hold on, Chasom.  
18 Hold on.

19 I don't think we're there yet, but I just want  
20 to give you a caution about not divulging any 17:03:10  
21 communications you had with counsel. So to the extent  
22 you're answering the limited question that Ms. Jenkins  
23 asked, I think -- I think you can do it. But to the  
24 extent it gets more substantive into discussions that  
25 were had with your lawyers, I would direct you not to 17:03:27



1 answer.

2 Why don't we hear the question again so that we  
3 can all get on the same page.

4 Q. BY MS. JENKINS: Okay. Do you recall providing  
5 Google with cookie values from your browser as part of 17:03:39  
6 this litigation?

7 MR. LEE: You can answer that limited question.

8 THE WITNESS: Yes.

9 Q. BY MS. JENKINS: Did you collect those cookies  
10 yourself? 17:03:55

11 MR. LEE: To the extent that your answer would  
12 be based on communications you had with your counsel, I  
13 would advise you not to answer.

14 THE WITNESS: Based on that, yes, I'm --

15 MS. JENKINS: James, can he -- is there some 17:04:16  
16 reason he couldn't answer "yes" or "no" as to whether he  
17 collected the cookies himself?

18 MR. LEE: I'm not ignoring you. I'm just  
19 thinking about it. That's okay. He can just answer  
20 "yes" or "no. 17:04:30

21 MS. JENKINS: I'll repeat it.

22 Q. Did you collect those cookies yourself?

23 A. Yes.

24 Q. Can you tell me from what devices you collected  
25 those cookies? 17:04:46

1 MR. LEE: You can answer that limited question.

2 THE WITNESS: From my laptop and my phone. I  
3 know those two for sure. I just don't -- I think my --  
4 my tablet as well.

5 Q. BY MS. JENKINS: And what browser were you using 17:05:12  
6 when you collected those cookies?

7 A. I believe I was in Chrome. I don't -- don't  
8 remember. I don't -- I can't imagine I used anything  
9 else, but I don't really remember which browser I went  
10 to. I'm sure it was in Chrome. 17:05:36

11 Q. Were you browsing in Incognito mode when you  
12 collected those cookies?

13 A. I don't -- I don't recall. I think there was a  
14 series of things I needed to do. So I was just more  
15 focused on doing those series of things. And so I 17:05:56  
16 don't -- I don't really remember the process of which way  
17 I did it or not.

18 MR. LEE: Let's leave it at I don't recall. I  
19 don't want you to get into privileged things. Okay?

20 THE WITNESS: Got it. 17:06:14

21 MR. LEE: Okay.

22 Q. BY MS. JENKINS: Were you logged in when you  
23 collected those cookies?

24 MR. LEE: Objection. Vague.

25 THE WITNESS: Yeah. I don't recall. 17:06:22

1 Q. Okay. You were asked some questions about  
2 whether you believe there is a contract between you and  
3 Google.

4 Do you remember those questions?

5 A. Yes. 17:12:01

6 Q. Can you describe for us in your words what  
7 Google's promise was to you in that agreement as it  
8 relates to Incognito mode?

9 MS. JENKINS: Objection. Assumes facts.

10 MR. LEE: You can answer. 17:12:20

11 THE WITNESS: So in that contract, at Google's,  
12 you know, promise to me is that they would put me in  
13 control and that I would give them consent as to when  
14 they can collect my data and when they cannot collect my  
15 data. 17:12:40

16 So that was the deal as -- as pertains to  
17 Incognito mode.

18 MR. LEE: Okay. And maybe Tracy can help me  
19 here because I switched computers. Tracy, do you mind  
20 getting Exhibit 7 on the share screen? 17:13:02

21 MS. GAO: Okay. I will try.

22 MR. LEE: Thank you so much.

23 MS. GAO: It actually says host is able --  
24 parties can screen sharing.

25 THE VIDEOGRAPHER: I'm on it. 17:13:27

1 MR. LEE: Thank you.

2 THE VIDEOGRAPHER: There you go. It's been --  
3 it's been enabled.

4 Q. BY MR. LEE: All right. This has been  
5 previously marked Exhibit 7. 17:13:47

6 Mr. Brown, do you remember Google's lawyer  
7 asking you some questions about this document?

8 A. Yes.

9 Q. Okay. I just want to go over a couple things  
10 real fast. 17:14:01

11 Do you see in that first sentence it states:  
12 "Learn how to control the information that's collected,  
13 stored, and shared when you use the Google com browser on  
14 your computer or mobile device."

15 Do you see that? 17:14:16

16 A. Yes.

17 Q. Okay. And do you also see that the -- the last  
18 phrase of that same paragraph says that the -- the use of  
19 your personal information will be protected in accordance  
20 with the Google privacy policy? 17:14:36

21 MS. JENKINS: Objection. Leading and narrative.

22 Q. BY MR. LEE: Do you see that?

23 A. I do see it.

24 Q. Okay. And can you tell us for the 50th time  
25 today what is in the Google privacy policy with respect 17:14:50

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1 to the collection of your data in Incognito mode?

2 A. On -- on the first page in the -- within the  
3 first paragraph, they say it puts you in control. It  
4 says you can use our services in a variety of ways to  
5 manage your privacy. 17:15:16

6 And then it also says you can also choose to  
7 browse the web privately using Chrome in Incognito mode.

8 MR. LEE: Okay. Tracy, could you go to page 8  
9 of this document, please.

10 I think that's -- it's actually I think the page 17:15:41  
11 before. I'm sorry. It's 8 of 14 on the bottom there.  
12 Okay.

13 Q. Do you see that under Incognito mode and guest  
14 mode, it says: "You can limit the information Chrome  
15 stores on your system by using Incognito mode"? 17:16:02

16 A. Yes.

17 Q. And the following sentence says: "Chrome won't  
18 store certain information such as your browsing history"?

19 A. Yes.

20 Q. "Caching page text, or IP addresses of pages 17:16:14  
21 linked from the websites you visit."

22 Do you see that?

23 A. Yes, I do.

24 MS. JENKINS: Objection. Leading and narrative.

25 MR. LEE: I'm just asking if he sees it. 17:16:25

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1 Q. Okay. Now we looked at three different  
2 statements in Exhibit 7 in this document about the Chrome  
3 privacy notice; right?

4 A. Correct.

5 Q. Okay. If you take those three statements 17:16:40  
6 together, what does this communicate with respect to  
7 whether Google collects or doesn't collect user  
8 information in Incognito mode?

9 MS. JENKINS: Objection. Vague.

10 THE WITNESS: It clearly shows that they don't 17:16:57  
11 collect in Incognito mode.

12 Q. BY MR. LEE: And now that we've initiated this  
13 lawsuit, do you think that those statements are correct?

14 A. Unfortunately, no. Unfortunately, that's --  
15 which has, you know, come more to light that Incognito 17:17:22  
16 mode, that it's not as advertised, not as in their  
17 privacy policy, not as per the agreement that we have.

18 And it really -- it really is unfortunate  
19 because I am a Google user. I am a Google fan, and I  
20 think that the -- I can't use the service. 17:17:48

21 And the fact that it does this is wrong on so  
22 many levels. So I don't think that -- I think that it --  
23 I've been duped, sad to say. But people can correct  
24 their mistakes.

25 Q. Now you were asked how you were harmed as a 17:18:12

JAMES LEE, ESQ.

jlee@bsfllp.com

January 17, 2022

RE: BROWN VS. GOOGLE LLC

JANUARY 13, 2022, CHASOM BROWN, JOB NO. 5028094

The above-referenced transcript has been completed by Veritext Legal Solutions and review of the transcript is being handled as follows:

\_\_\_ Per CA State Code (CCP 2025.520 (a)-(e)) - Contact Veritext to schedule a time to review the original transcript at a Veritext office.

\_\_\_ Per CA State Code (CCP 2025.520 (a)-(e)) - Locked .PDF Transcript - The witness should review the transcript and make any necessary corrections on the errata pages included below, notating the page and line number of the corrections. The witness should then sign and date the errata and penalty of perjury pages and return the completed pages to all appearing counsel within the period of time determined at the deposition or provided by the Code of Civil Procedure.

\_\_\_ Waiving the CA Code of Civil Procedure per Stipulation of Counsel - Original transcript to be released for signature as determined at the deposition.

\_\_\_ Signature Waived - Reading & Signature was waived at the time of the deposition.

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1     \_X\_Federal R&S Requested (FRCP 30(e)(1)(B)) - Locked .PDF  
2         Transcript - The witness should review the transcript and  
3         make any necessary corrections on the errata pages included  
4         below, notating the page and line number of the corrections.  
5         The witness should then sign and date the errata and penalty  
6         of perjury pages and return the completed pages to all  
7         appearing counsel within the period of time determined at  
8         the deposition or provided by the Federal Rules.  
9     \_\_\_ Federal R&S Not Requested - Reading & Signature was not  
10         requested before the completion of the deposition.



1 RE: BROWN VS. GOOGLE LLC

2 CHASOM BROWN, JOB NO. 5028094

3 E R R A T A S H E E T

4 PAGE\_\_\_\_\_ LINE\_\_\_\_\_ CHANGE\_\_\_\_\_

5 \_\_\_\_\_

6 REASON\_\_\_\_\_

7 PAGE\_\_\_\_\_ LINE\_\_\_\_\_ CHANGE\_\_\_\_\_

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9 REASON\_\_\_\_\_

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12 REASON\_\_\_\_\_

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15 REASON\_\_\_\_\_

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18 REASON\_\_\_\_\_

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21 REASON\_\_\_\_\_

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24 WITNESS

Date

25